

WILLIAM KEITH SPANGLER                   §  
v.                   §     CIVIL ACTION NO. 6:11cv12  
DIRECTOR, TDCJ-CID                   §

The Petitioner William Spangler, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of the legality of his conviction. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Spangler was placed on deferred adjudication probation on September 5, 2002, for the offense of stalking, but this probation was revoked on October 23, 2009. Spangler received a sentence of nine years in prison. He did not take a direct appeal, but filed a state habeas corpus petition on August 13, 2010. This petition was denied without written order on September 29, 2010. Spangler then signed his federal habeas petition on January 4, 2011.

The Magistrate Judge ordered the Respondent to answer the petition, and the Respondent filed an answer arguing that the petition is barred by the statute of limitations. Spangler did not file a response to the answer.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the petition be dismissed based on the expiration of the statute of limitations. A copy of this Report was sent to Spangler at his last known address, return receipt requested, but no objections have been

received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED with prejudice. It is further

ORDERED that the William Spangler is hereby DENIED a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby DENIED.

**So ORDERED and SIGNED this 19th day of May, 2011.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**